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By: *Nancy Foster*
Nancy Foster

PATENT
Customer No. 22,852

Attorney Docket No. 4853.0072-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Norimasa OKUDA et al.

)
)
) Group Art Unit: 1623

Application No.: 09/870,483

)
) Examiner: Taylor V. OH

Filed: June 1, 2001

For: A METHOD FOR PRODUCING
 α -HYDROXYCARBOXYLIC ACID

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Commissioner for Patents
Washington, DC 20231

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE

STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance.

Each document listed in this Information Disclosure Statement was first cited in a communication from the European Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication.

European Applications EP 1 148 042 and EP 0 293 752 were previously disclosed in the Information Disclosure Statement filed August 22, 2002. Copies of the other listed documents are attached.

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German Application DE 2 228 641 A1, French Application FR 2 156 791, and Ziegler, et al. are not in English. "Where the information is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance [under 37 C.F.R. § 1.98(a)(3)] can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office." (See MPEP §609 A(3), second paragraph.) Applicants enclose a copy of such a Search Report from a counterpart European application for this application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

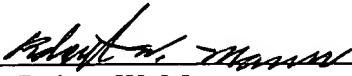
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 25, 2002

By: 
Robert W. Mann
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